

The Case Against:

Why placement of Sexually Violent Persons in Franklin Fails to Meet State Standards



City of Franklin

9229 West Loomis Road, Franklin, Wisconsin 53132-9728

Prepared by:

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Statute Imposed Regulations and Guidelines for the Placement of Sexually Violent Persons pursuant to Ch. 980. Wisconsin State Statutes:

- Shall not make the community unsafe
- Shall not be proximate to a sensitive location
- Shall be secure
- Shall be located so as to allow for the accessibility to treatment for the occupant
- Property shall remain taxable or payments shall be made in lieu of taxes
- Payments will be made for police services
- Shall not be located proximate to the residence of other persons on supervised release
- Shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections and regarding whom a sex offender notification has been issued to law enforcement agencies under §301.46(2m)(a) or (am), Wisconsin State Statutes
- Shall not be located proximate to any facility
 - for children (which means a public or private school, a group home as defined in §48.02 (7) Wisconsin State Statutes,
 - a residential care center for children and youth as defined in §48.02 (15d) Wisconsin State Statutes,
 - A shelter care facility as defined in §48.02 (17) Wisconsin State Statutes,
 - A foster home as defined in §48.02 (6) Wisconsin State Statutes;
 - A treatment foster home as defined in §48.02 (17q) Wisconsin State Statutes;
 - A daycare center licensed under §48.65 Wisconsin State Statutes;
 - A day care program established under §120.13 (14) Wisconsin State Statutes;
 - A day care provider certified under §48.651 Wisconsin State Statutes;
 - A youth center as defined in §961.01 (22)
- Not be proximate to a residential subdivision

Standard:

- Shall not make the community unsafe
- Shall not be proximate to a sensitive location
- Shall be secure

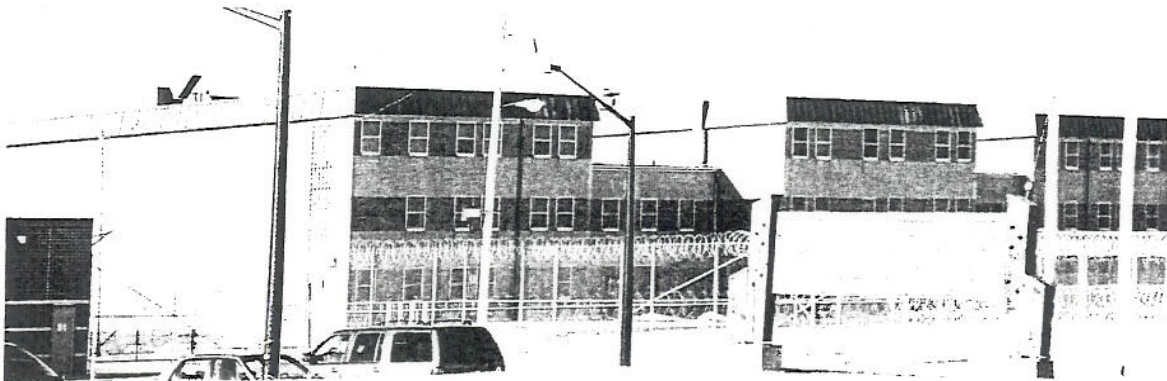
Reality:

The House of Correction sits in the geographic center of the fastest growing community in Milwaukee County. It is home for up to 2,000 of the communities convicted criminals inside it's fence. The land immediately surrounding the House lays fallow as a buffer to the community.

The adverse impacts of an additional transitional facility will inherently make our community less safe.

Although security at the House has improved, the last "walk-away" demonstrates that it doesn't take long to get in to the neighborhoods and the inability of County law enforcement to respond to any incident in a timely manner

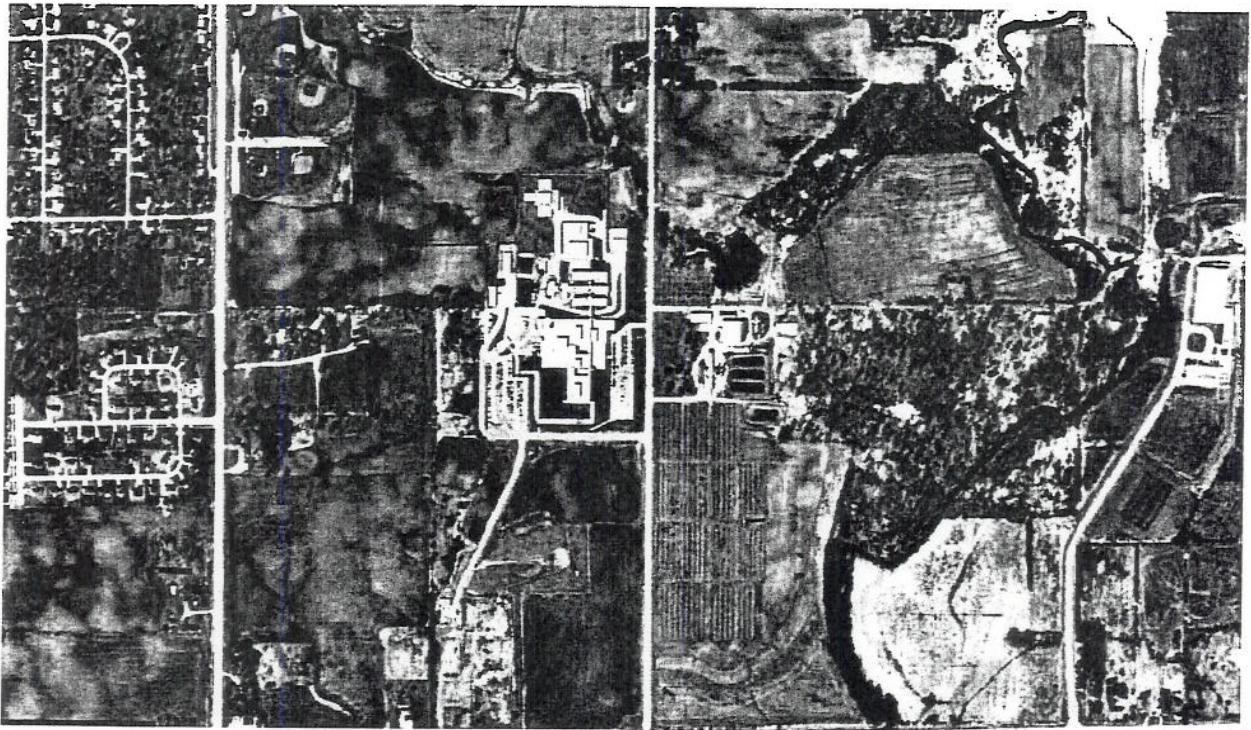
Lands and uses nearby are sensitive in that they are either occupied by, used by or will be used by children.



Standard:

Shall not be located proximate to the residence of persons who are in the custody of the Wisconsin Department of Corrections...

Reality:



Although the House of Correction is not operated by the Wisconsin Department of Corrections, it is, in fact, home to as many as 2,000 convicted criminals, some of whom are sex offenders who would qualify for notification under §301.46 (2m).

In addition, at what point has a community provided its service to the criminal justice system? Certainly, 2,000 criminals ought to meet any reasonable standard.

Standard:

Shall not be proximate to a residential subdivision

Reality:

Stonewood, Security Acres, Redwing Meadows, Old Orchard, Twin Oaks, Avian and River Terrace residents all are nearby.

The skyline is dominated by the sight of the old House water tower, the fence and the institutional buildings.

The proposed facility would be short walk to these neighborhoods.

The addition of additional convicted sexually violent persons of unknown numbers is sure to have a chilling impact on the daily lives of these residents.



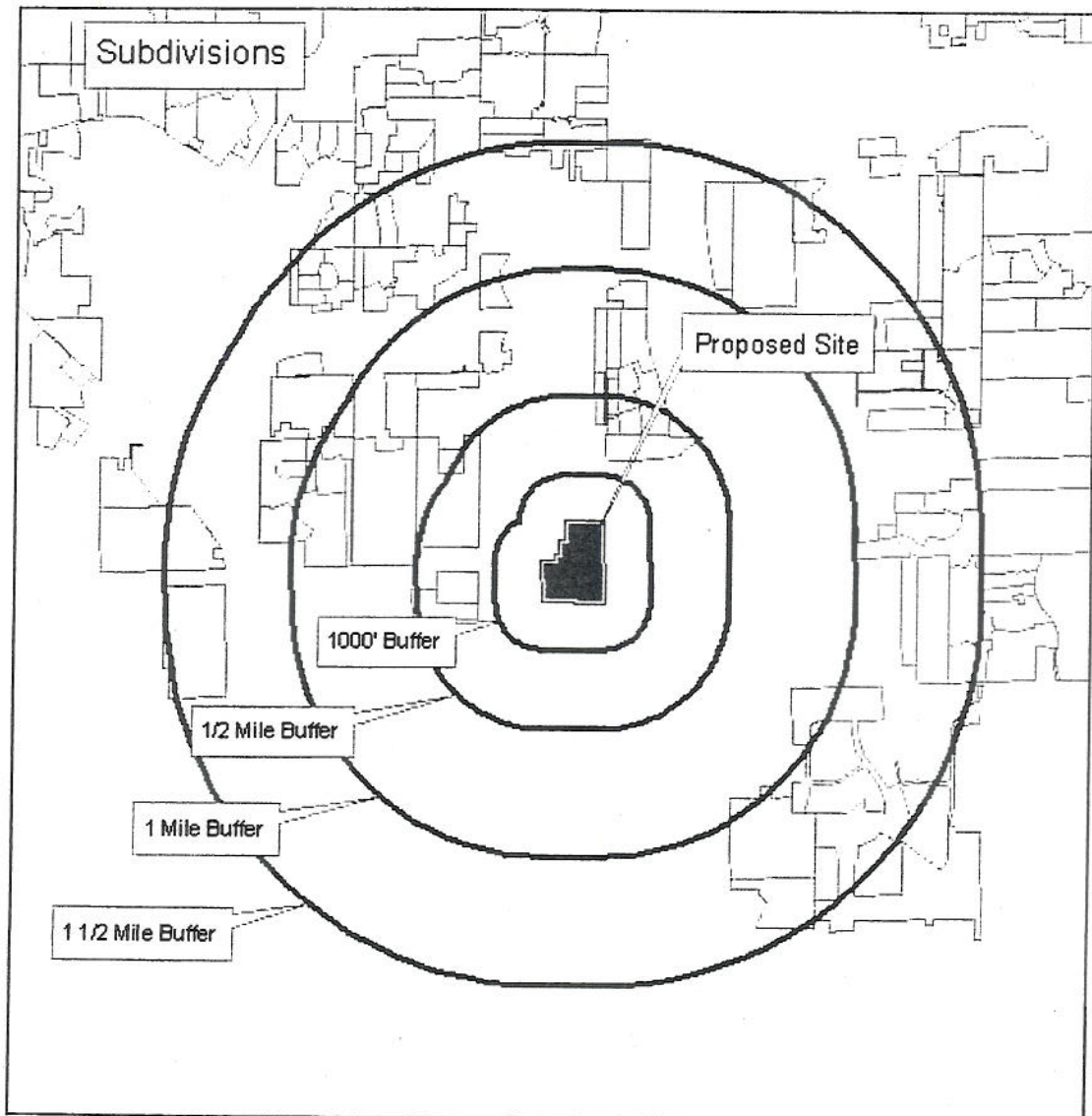
(This picture looks east from the Stonewood subdivision. The water tower services the House of Correction. The tree line on the right is the picnic area at the Croatia Federation soccer fields.)

Standard:

Shall not be proximate to a residential subdivision.

Reality:

Legally divided and platted residential subdivisions are printed in green.



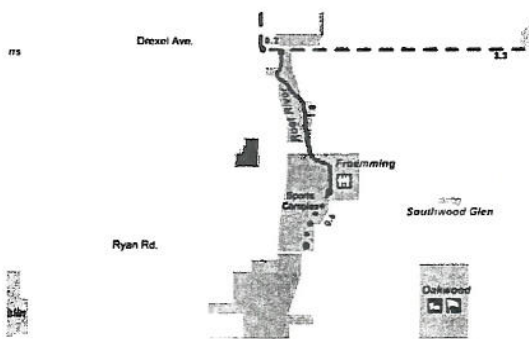
Standard:

Shall not be proximate to any facility for children...

Reality:

On the very same grounds as the proposed home for sexually violent persons sits five groomed and active Little League baseball diamonds.

These fields are used so much that the Little League of Franklin has raised over \$100,000 to add a refreshment stand and restrooms. Nine hundred children participate in the program that runs 5 and sometimes 6 nights each week through the summer. Teams visit from Milwaukee, South Milwaukee, Cudahy, Greenfield, Greendale, Oak Creek and Muskego. Tournaments attract teams from out-of-state.



The Milwaukee County Sports Complex is a few hundred feet from the proposed facility.

The Oak Leaf Trail is even closer to the proposed facility and is used by bikers, hikers and families throughout the year.

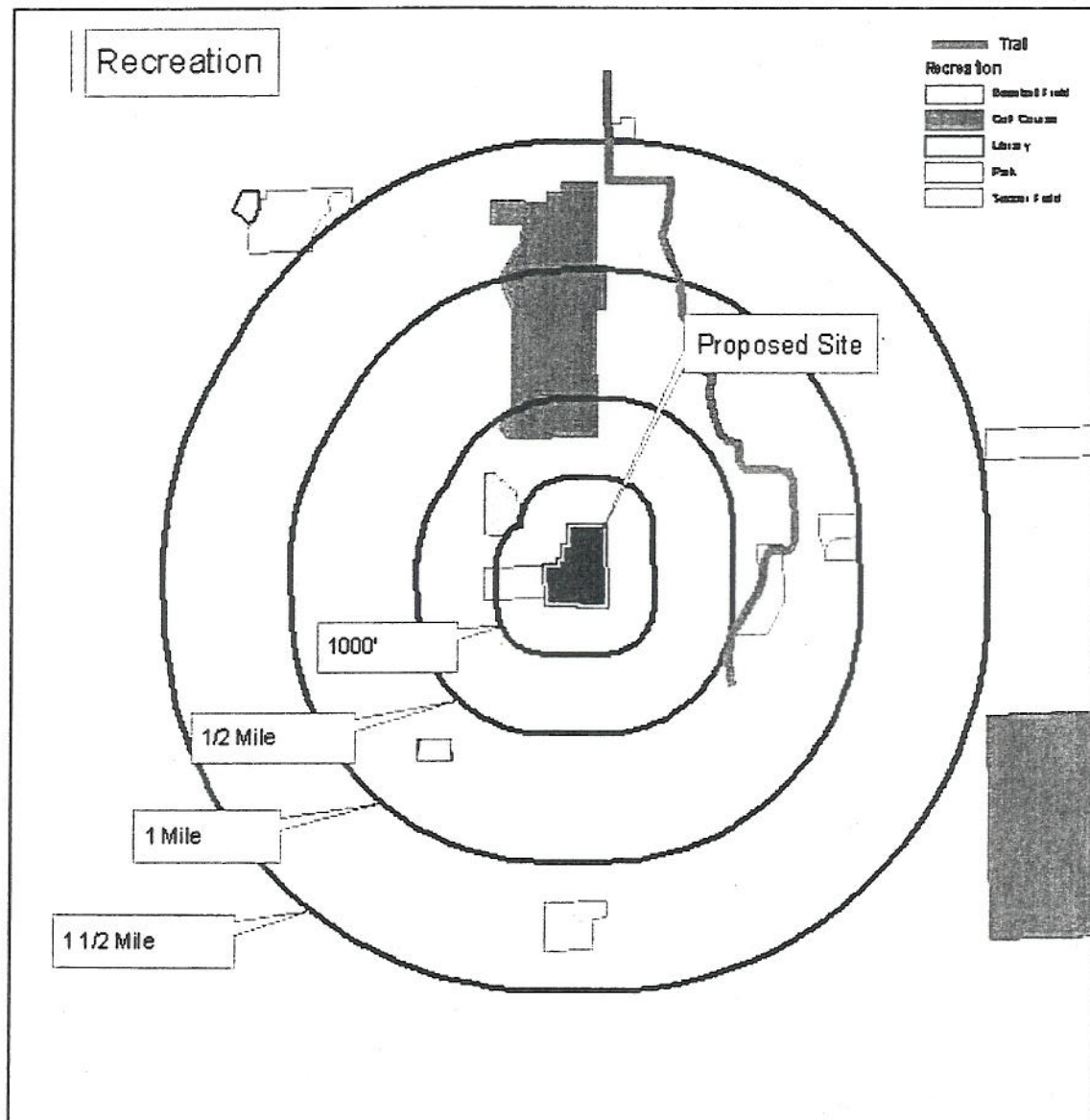
Croatian Federation Park will be on the same grounds as a non-secured facility for multiple sexually violent persons.



Standard:

Shall not be proximate to any facility for children...

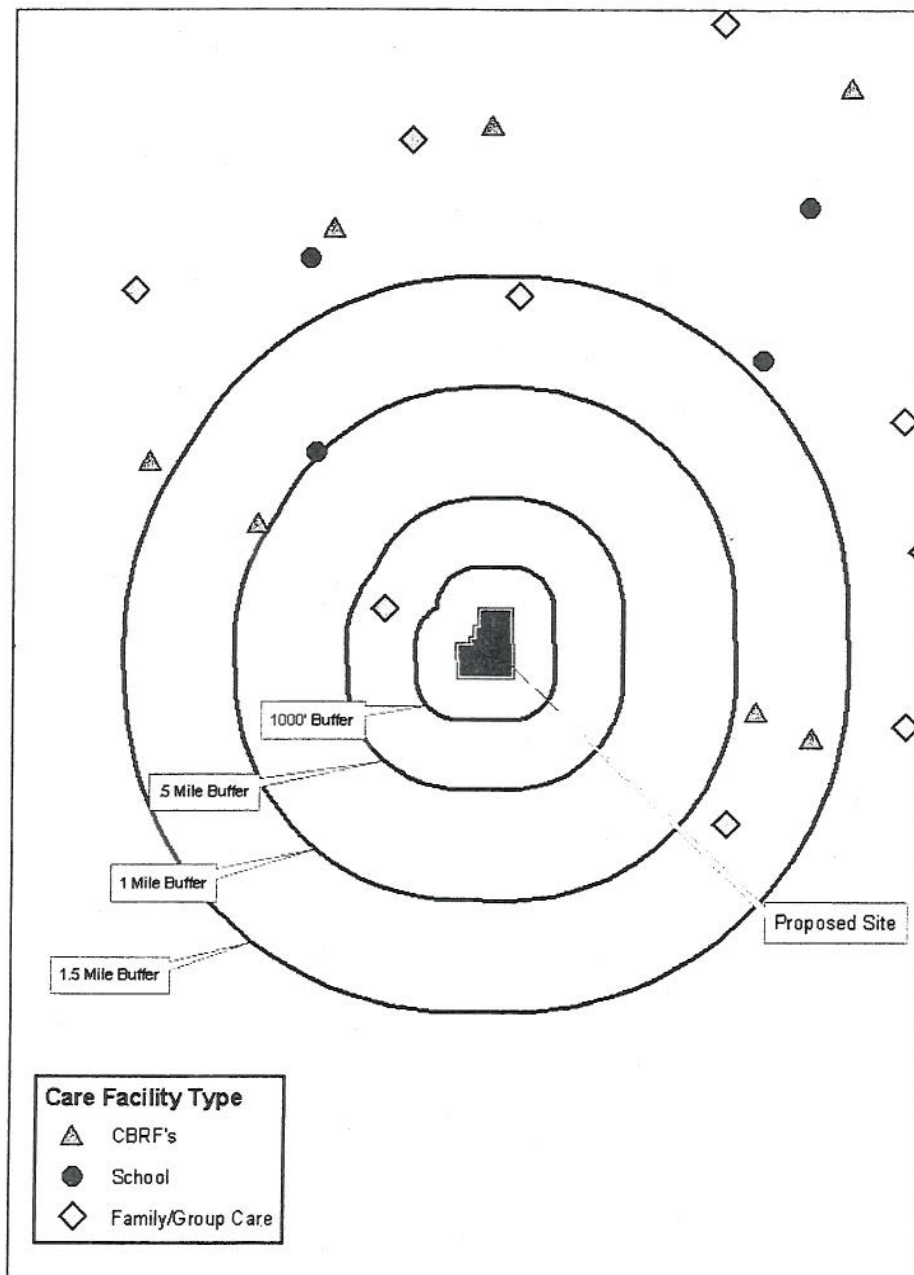
Reality:



Standard:

Shall not be proximate to daycare, CBRF, ect.

Reality

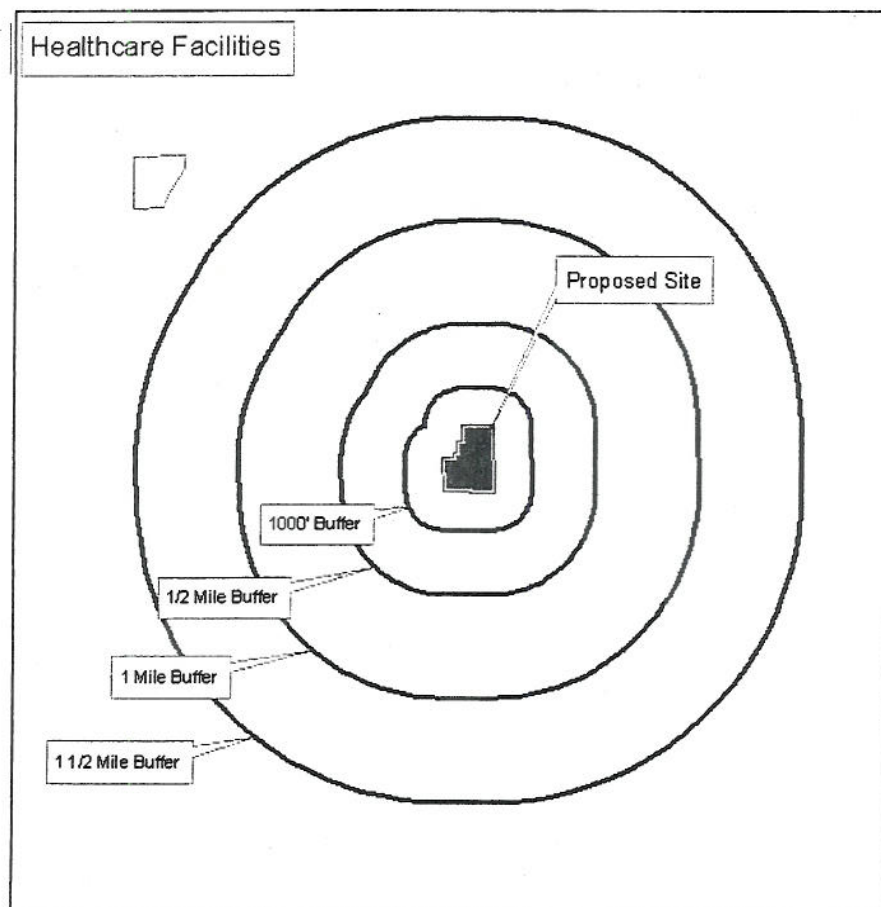


Standard:

Shall be located so as to allow for the accessibility to treatment for the offender.

Reality:

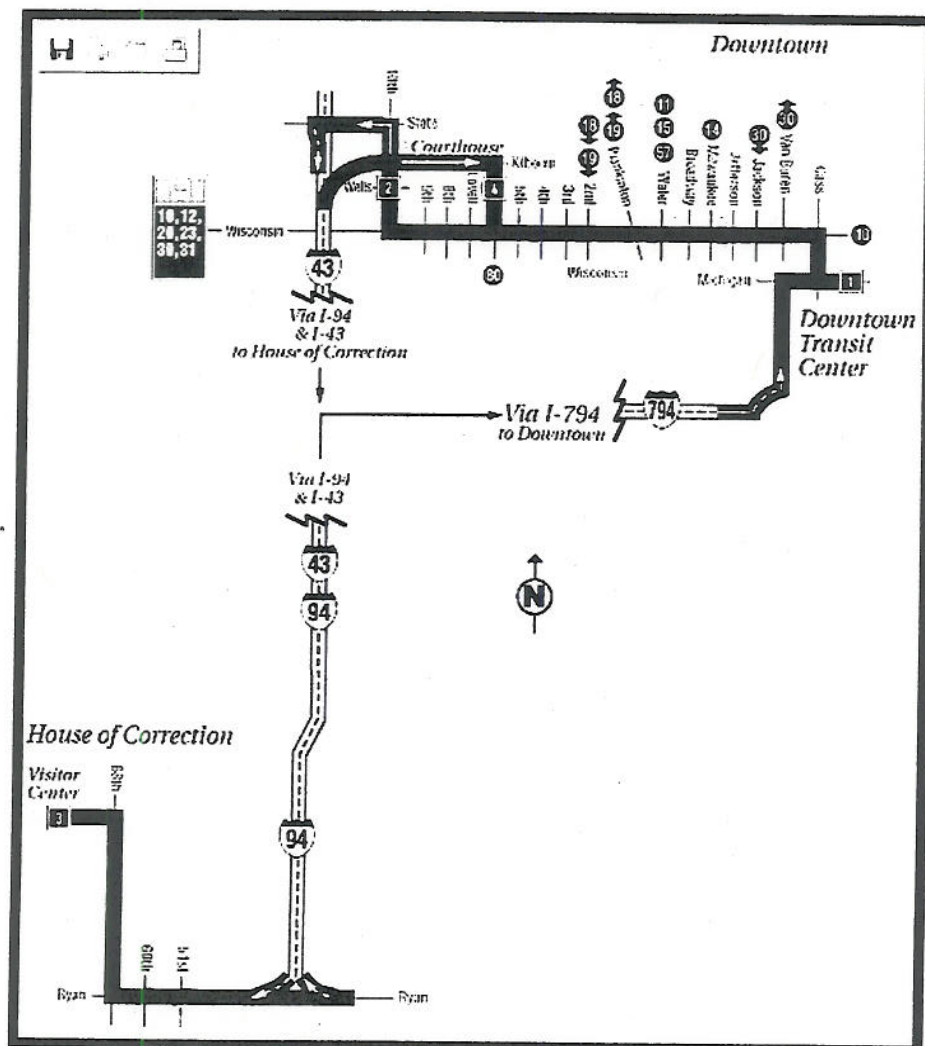
There are no facilities nor health care providers within the City who's practice includes treatment of sexually violent persons.



Shall be located so as to allow for the accessibility to treatment for the offender.

Reality:

Even if there were a treatment program for sexually violent persons, the only public transportation for the area runs on Saturday mornings and then only to downtown.

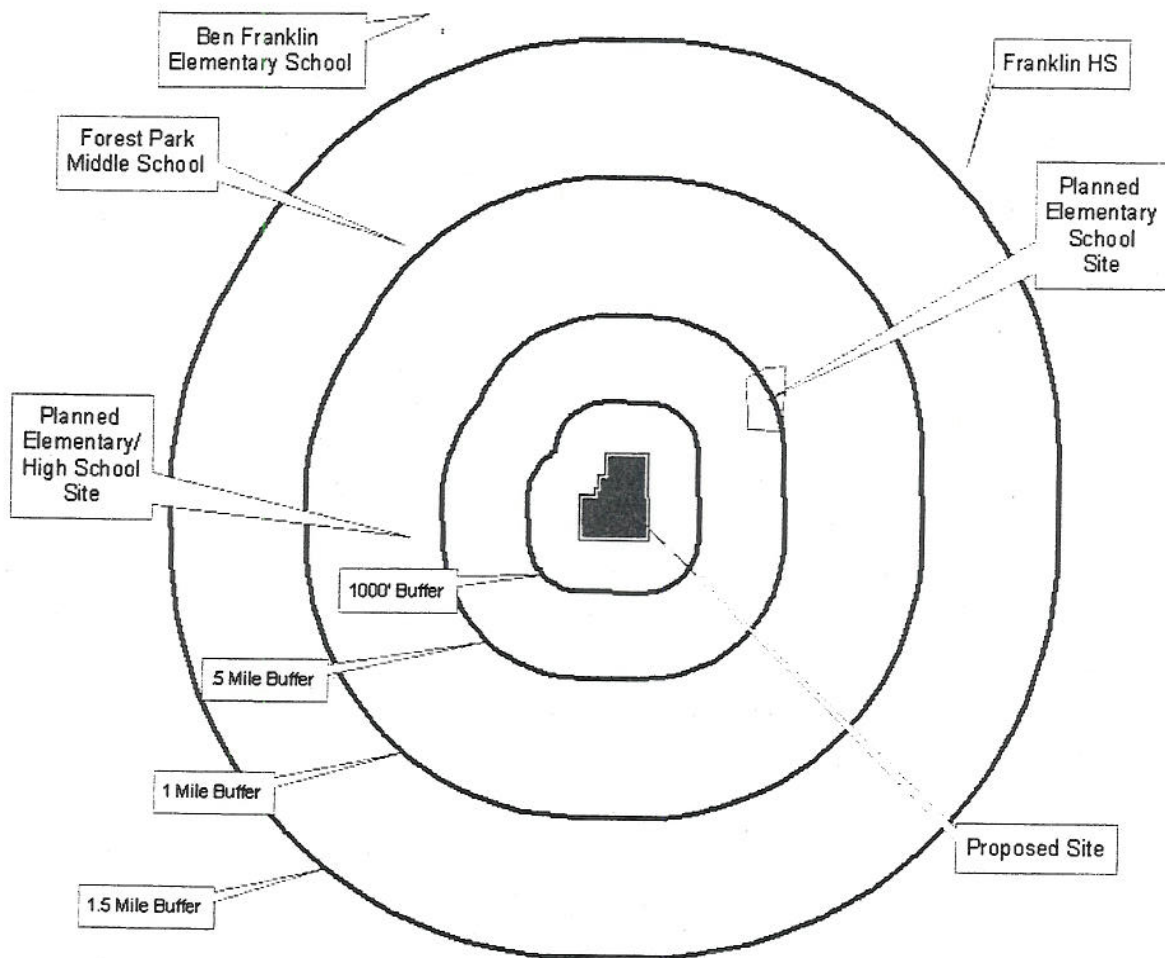


Standard:

Shall not be proximate to any facility for children...

Reality:

The City of Franklin believes that the legislature would not have contemplated placement of a group of sexually violent persons in a transitional facility near proposed schools much less existing schools.



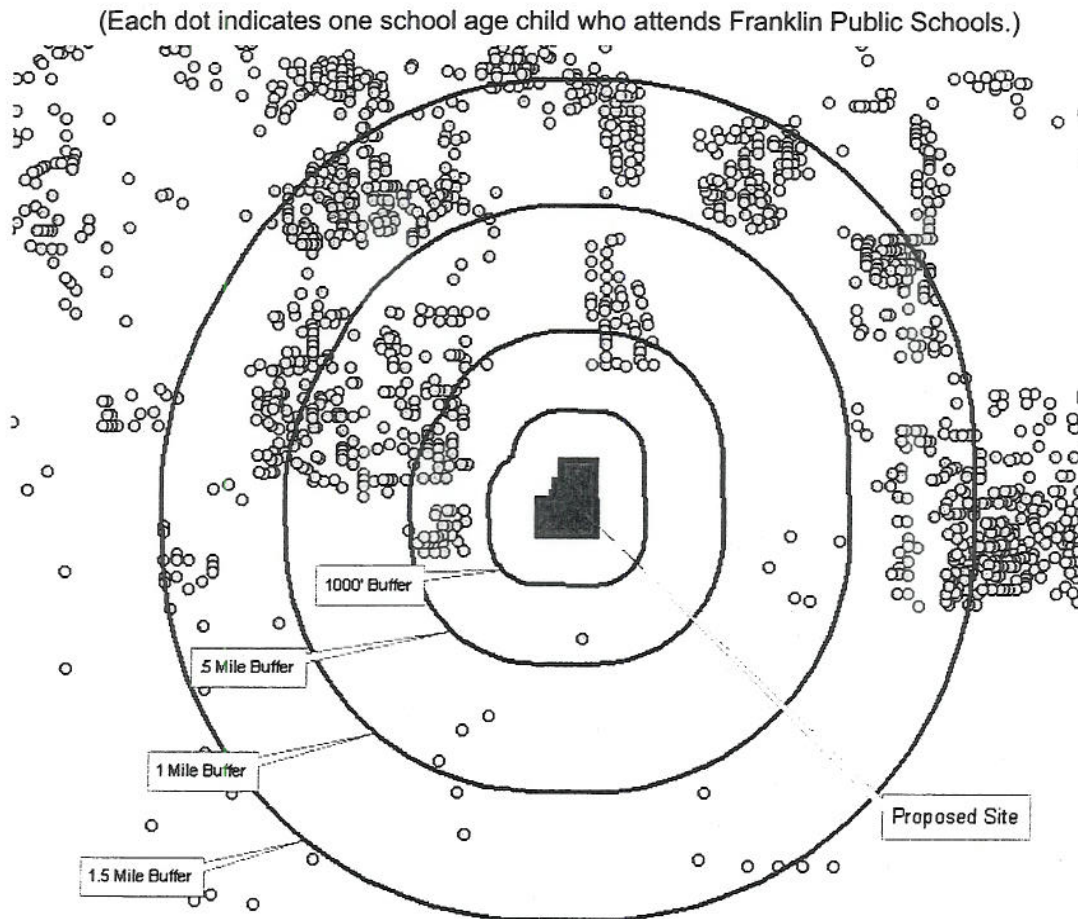
Standard:

Shall not be proximate to any facility for children...

Reality:

The population of children in the area surrounding the House of Correction grows each year.

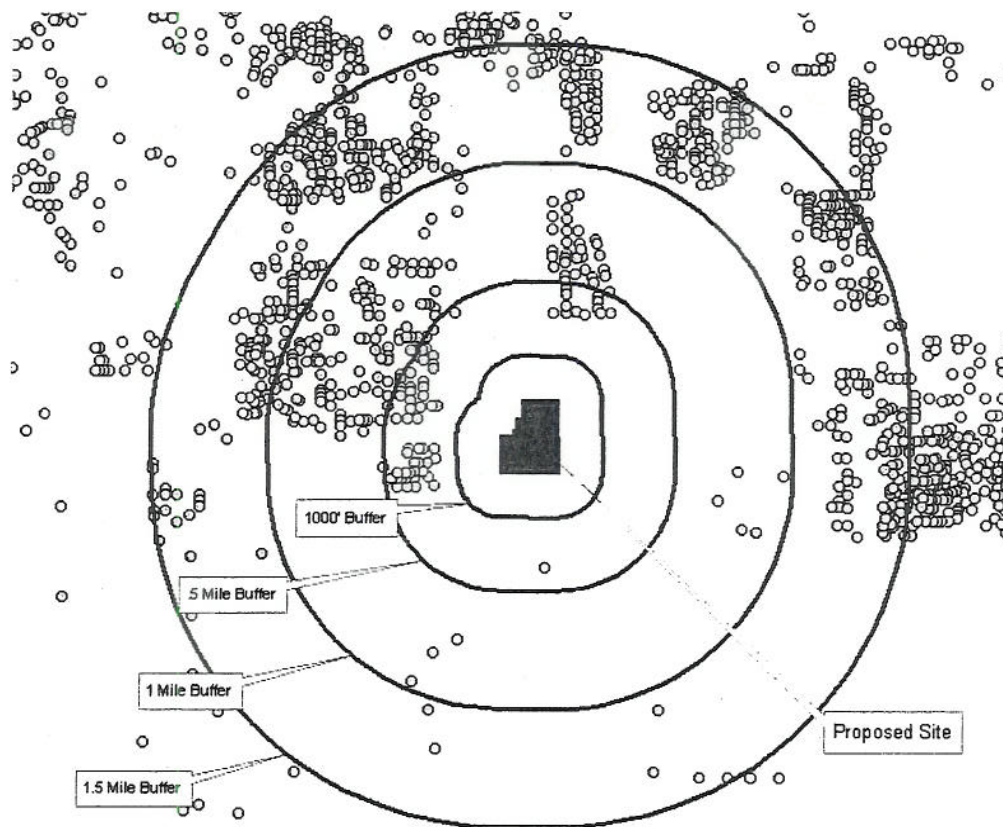
What effect will a “transitional facility” have on present and future children and their neighborhoods?



Standard:

Shall not be proximate to any facility for children...

Reality:



According to our GIS data and data supplied by the Franklin Public Schools, more than 24% of the students in FPS live within 1 1/2 miles of the proposed site.

1/2 Mile	1 Mile	1 1/2 Mile
123	337	1179

Intangibles:

There are plans for the area that will be adversely impacted by a facility for sexually violent persons.

Reality:

The area under consideration for a new home for socially undesirable convicted felons is also a major growth engine for the City of Franklin, Milwaukee County and the State of Wisconsin and will be forever irreparably damaged with such a facility being built here.

Government budgets are under extreme pressure. Both the State of Wisconsin and Milwaukee County have huge budget deficits that can only be made up by cuts in spending or new assessed value growth or a raise in revenue (taxes).

This area provides the best of these options: **NEW GROWTH**

By placing a transitional facility in this area this new growth potential is bound to be diminished and diminished significantly.

*Note the proposed school sites at 51st and Puetz and west of Stonewood Subdivision at 83rd Street. Both include elementary schools.

Intangibles:

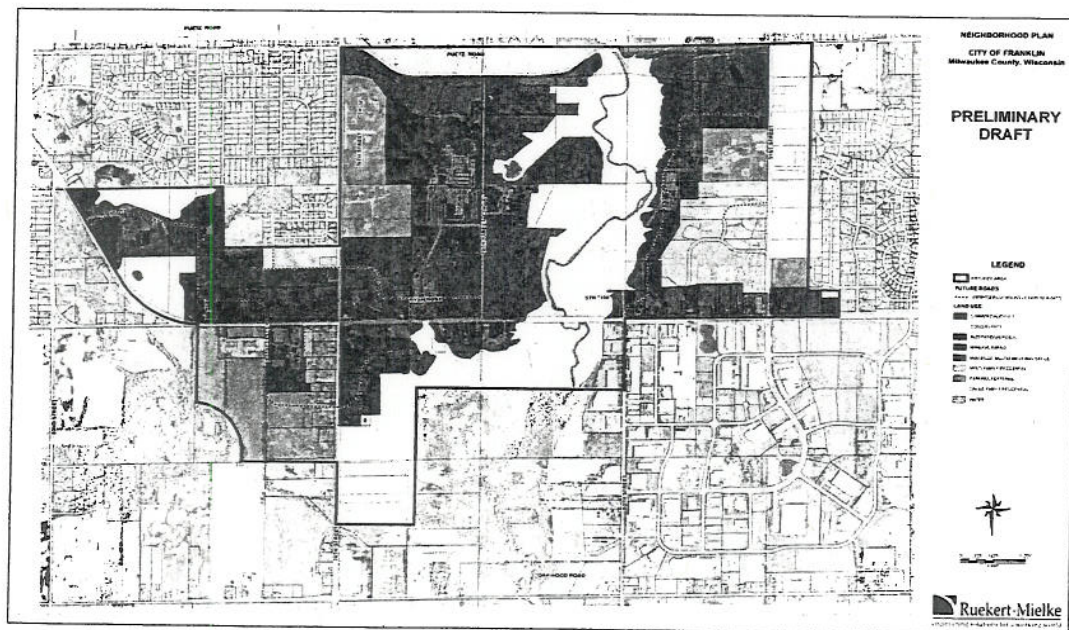
There are plans for the area that will be adversely impacted by a facility for sexually violent persons.

Reality:

The City of Franklin has long been a "planned" community. We work very hard to maximize the value of all of our land.

The city recognizes the value in the land owned by the county in our community. Almost 1/6 of the city is county owned land.

We have worked with the county to determine the best and highest uses of this land. These plans do not include a transitional facility for sexual predators.



Draft Neighborhood Plan, Root River Parkway Area, Ruekert-Mielke, 6/18/04

Intangibles:

There are plans for the area that will be adversely impacted by a facility for sexually violent persons.

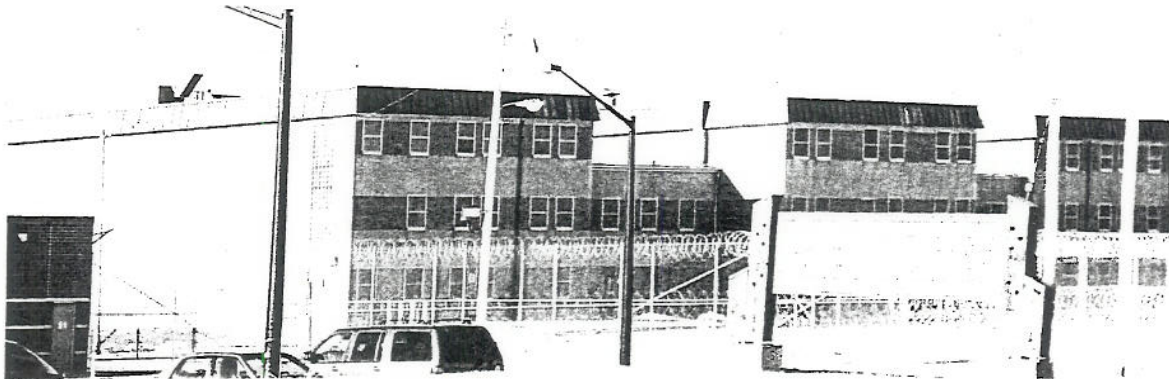
Reality:

We work very hard to maximize the value of all of our land.

The choice is more of this:



Or more of this:



Intangibles:

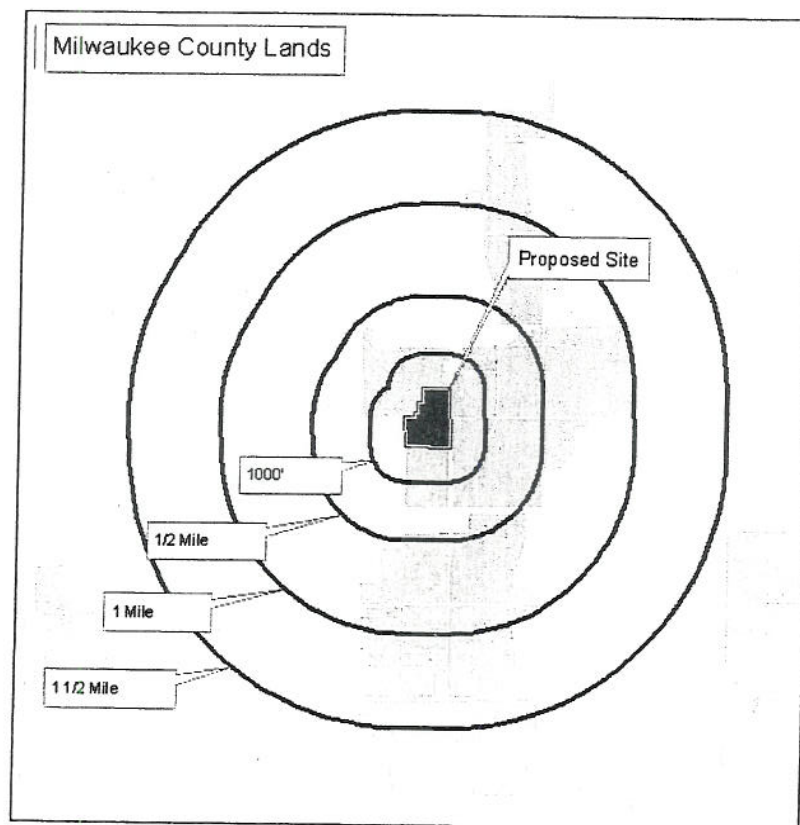
These lands are valuable to ALL the taxpayers in the county and should be used to their benefit.

Reality:

The city recognizes the value in the land owned by the county in our community. Almost 1/6 of the city is county owned.

The city has had many conversations with county officials about using some of this land for higher uses, generating taxable value for the city, county and school districts.

If the lands couldn't be sold to benefit the taxpayer, how can they be sold to penalize the taxpayer?



Intangible:

Franklin has evolved as a community and can no longer compromise our land, environment and safety to old objectionable uses.

Reality:

MILWAUKEE COUNTY AND STATE

Landfill owner calls Franklin counteroffer 'staggering'

Waste Management says terms could force arbitration

By ANNYS JOHNSON
ajohnson@journal-sentinel.com

Franklin — Waste Management Inc. said it could be forced into arbitration for the first time in Wisconsin if the city and neighboring communities don't scale back the "staggering" terms of their counteroffer on the proposed expansion of the company's Franklin landfill.

Waste Management attorney Dennis Wilt characterized the city's proposal, which calls for the company to pay affected communities up to \$54 million, make annual cash payments to neighboring property owners and deed land to Franklin as a buffer, as among the most aggressive he's seen in Wisconsin.

"We have eight landfills in the state, and I don't know of any agreement that's close to what you've proposed here," Wilt told members of the local siting committee as negotiations kicked off Wednesday.

"We plan to respond, but we trust this is the beginning of negotiations and not a hard and fast demand," he said.

Wilt also said it will be difficult for the company to comply with the city's request that it expand north of the current site instead of east as it has planned, because of environmental concerns.

The north site includes more than 10 acres of wetlands, and the state Department of Natural Resources has said it would not grant a permit for a landfill there, he said. Wilt said an alternative footprint between the two locations might be more feasible.

Additional land acquisition

tions could be required for sites other than the eastward expansion, company spokesman and lobbyist Lynn Morgan said Thursday.

Waste Management is proposing an 85-acre expansion of its Metro Landfill at 10712 S. 124th St., to open in 2008 as the current 43-acre dump reaches capacity. The company has proposed paying the municipalities \$26 million to \$36 million during the 15-year life of the expansion. Franklin residents raised concerns about the city's proposal Wednesday, particularly with the property protection agreement, which they believe should follow the property and remain available to owners beyond the 15-year life of the expanded landfill.

The terms call for Waste Management buying a homeowner's property or supplement the sale price if it falls below those of comparable homes not near the landfill.

"So what happens 15 years from now when they have a methane collection problem, it stinks, and I can't sell my property?" said Angela Peterson of the 10700th block of S. 92nd St.

"It does a good job lining the city coffers," she said of the city's proposal, "but not protecting my rights as a property owner."

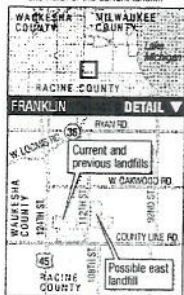
Franklin City attorney Jesse Wesolowski, the city's lead negotiator in the talks, said the committee placed considerable emphasis on residents' concerns, incorporating at least a dozen demands put forth in a neighborhood petition last year in the final proposal.

Franklin's siting committee, with representatives from six other governmental entities, presented its terms for the proposed expansion to Waste Management this week. Negotiations are expected to drag on for months.

In addition to the financial

WASTE MANAGEMENT PROPOSED EXPANSION LANDFILL

Waste Management Inc. is proposing an expansion double the size of its Metro Landfill in Franklin by crossing S. 12th St. But the city would like to consider a site north of the current landfill.



payments and buffer zone, the city's proposal includes penalties for odor and other violations, a provision allowing the property guarantee to be passed on to family members, and the requirement that Waste Management fund a full-time compliance officer to monitor problems in and around the landfill.

Peterson said it was "too early to be optimistic" about the outcome of the negotiations.

"Initially, I felt pretty good that they had taken our petition seriously," she said.

"We'll see how seriously they took it when the negotiations get started. We'll see what they give up and what they don't give up."

Governmental entities represented on the Franklin siting committee, all expected to share in the municipal payments that Waste Management will make, include Milwaukee, Waukesha and Racine counties; the city of Muskego and the Towns of Raymond and Norway in addition to Franklin.

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By ALAN J. B

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Although partisan, strong ties cratic lead Jim Doyle, expected to leading Rej

The two ray of majo issues, inc more spen education whether i 4-year-old SAGE, the duction p creased fur sic approa cate childr Burmast that in a



Intangible:

Franklin is one of the last economic growth areas in Milwaukee County. One of the last to provide true new growth in assessed value to provide tax relief to the city,

Reality:

With expenditure restraints now being debated in the state legislature, why would anyone want to cut off the growth in the community?

Franklin historically provides between 12 and 17% of the new growth in the county, yet has about 3.4% of the population but has 100% of the population of convicted criminals who are incarcerated.

Intangible:

Franklin is doing its' share in "corrections."

Reality:

Franklin is currently housing almost 2,000 inmates in the House of Correction.

We provide schooling for those prisoners under the age of 18.

We provide excellent paramedic and EMS service.

We provide the law enforcement personnel to find and return the "walk-aways."

All without the financial support of the county or state.

The community has 11 registered sex offenders, all of whom came from Franklin.

We have NO predators convicted from our city.

Is it right to put more burden on a community already doing more than its' share?

Intangible:

Impact of the facility on Franklin and Milwaukee County in light of possible levy restraint legislation.

Reality:

We're certain that the Sheriff will want to maintain the number of deputies in his department. Maybe even give a pay raise or two.

The same thing goes to municipal and county parks, DPW and all the other departments that are funded through the tax levy.

With the proposals being talked about in Madison for levy restraint being tied to real growth it will be vital that nothing stand in the way of encouraging this growth.

Franklin offers the County and region one of the last available growth areas. It's not a promise, it's happening.

Placement of sex predators in an area that is planned for substantial growth would have a large and adverse impact in that growth.

Developers have already expressed concern in the past about efforts to place predators here, and that was just one or two. A building full would certainly cause severe financial impact to one of the last growing communities in the County.

So, there is a link to other communities. No real growth, no increases in spending.



Sources of Information and Data:

City of Franklin Planning and Zoning Office

City of Franklin Clerks Office

City of Franklin Engineering Department

City of Franklin Assessors Office

Wisconsin Department of Revenue (web site)

Wisconsin Department of Administration (web site)

Franklin Public Schools Superintendents Office

Franklin Little League

Milwaukee County Transit System web site

Additional Information is available:

<http://www.steveolson.us/html/preditor.htm>